

### REMARKS

Claims 1, 9, 17, 23, 26, 34, 42, 48, 55, 61, 69, 77, 83, 89, 95, and 102 are amended, claims 6, 11, 16, 21-22, 31, 36, 41, and 71 were canceled in one or more previous responses, claims 19-20, 44-45, and 79-80 are canceled with this response, and no claims are added with this response; as a result, claims 1-5, 7-10, 12-15, 17-18, 23-30, 32-35, 37-40, 42-43, 46-70, 72-78, and 81-105 are now pending in this application.

No new subject matter is added through the amendments to claims 1, 9, 17, 23, 26, 34, 42, 48, 55, 61, 69, 77, 83, 89, 95, and 102. Support for the amendment to claims 1, 9, 17, 23, 26, 34, 42, 48, 55, 61, 69, 77, 83, 89, 95, and 102 is found throughout the specification, including but not limited to the specification at page 6, line 21 through page 8, line 7, and at page 16, lines 15-23.

### Declaration and Power of Attorney

A new oath or declaration was required in compliance with 37 C.F.R. 1.67(a). A newly executed Declaration identifying this application by application number and filing date accompanies this response.

### Objections under 35 U.S.C. 132(a)

The amendment filed 6/26/06 was objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure.

The phrase "incorporated by reference" has been deleted in the specification from the first paragraph on page 1 after the title. Applicants respectfully submit that his amendment overcomes the 35 U.S.C. 132(a) objection, and respectfully request notification that the objection under 35 U.S.C. 132(a) has been withdrawn.

### Objections to the Disclosure

The disclosure is objected to because of various informalities.

Table A has been amended in this response to clarify and correct any uncertainties mentioned in the Office Action related to Table A. A formula in the "Calculated Sampled Value

assigned to Production Lot" column of the Lot<sub>i</sub> row in Table A, which was inadvertently shown using strikethrough text in Applicants' previous response,<sup>1</sup> is now shown as underlined text and as intended to be included in Table A. The formula in the "Calculated Sampled Value assigned to Production Lot" column of the Lot<sub>i</sub> row in Table A has been amended to replace "L<sub>2</sub>" with "L<sub>i</sub>".

Claims 19-20, 44-45, and 79-80 have been cancelled, and so the objection related to these claims is moot.

Applicants respectfully submits that the objections to the disclosure have been overcome, and notification that the objections are withdrawn is respectfully requested.

*Provisional Double Patenting Rejections*

*Statutory Type 35 U.S.C. § 101 Rejection of Claims 61-70 and 72-105.*

Claims 61-70 and 72-105 were provisionally rejected for double patenting under 35 U.S.C. § 101 as claiming the same invention as claims 1-10 and 12-45 of co-pending Application No. 11/458,637.

Claims 79-80 are canceled, so the rejection of claims 79-80 is moot.

Independent claims 61, 69, 77, 83, 89, 95, and 102, at least as now amended, are not coextensive in scope with claims 1-10 and 12-45 of co-pending Application No. 11/458,637. Therefore, the statutory type 35 U.S.C. § 101 rejection of claims 61-70, 72-78, and 81-105 has been overcome.

Applicants respectfully request reconsideration and withdrawal of the statutory type 35 U.S.C. § 101 rejection, and allowance of claims 61-70, 72-78, and 81-105.

*Obviousness Type Double Patenting Rejection of Claims 1-5, 7-10, 12-15, 17-20, 23-30, 32-35, 37-40, and 42-60.*

Claims 1-5, 7-10, 12-15, 17-20, 23-30, 32-35, 37-40, and 42-60 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-45 of co-pending Application No. 11/458,637.

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<sup>1</sup> See Applicants previous response mailed January 16, 2007 in this application at page 4.

Claims 19-20 and 44-45 are canceled, so the rejection of claims 19-20 and 44-45 is moot.

Applicants do not admit that the claims are obvious in view of co-pending Application No. 11/458,637. Applicants will revisit the issue and, if appropriate, submit a terminal disclaimer to obviate this rejection when the claims of the above-referenced patent application are otherwise considered allowable.

§101 Rejection of the Claims

35 U.S.C. § 101 Rejection of claims 1-5, 7-10, 12-15, 17-20, 23-30, 32-35, 37-40 and 42-58.

Claims 1-5, 7-10, 12-15, 17-20, 23-30, 32-35, 37-40 and 42-58 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claims 19-20 and 44-45 are canceled, so the rejection of claims 19-20 and 44-45 is moot.

Applicants believe that, at least as now amended, claims 1-5, 7-10, 12-15, 17-18, 23-30, 32-35, 37-40, 42-43, and 46-58 meet the requirements under 35 U.S.C. § 101 as being directed to statutory subject matter. By way of illustration:

Independent claims 1, 9, 17, 26, 34, and 42, as now amended include:

storing the single data set on a computer memory.

Independent claims 23, 48, and 55 as now amended includes:

storing the single data-set on a computer memory.

Applicants submit that, at least as now amended, independent claims 1, 9, 17, 23, 26, 34, 42, and 55 include subject matter that meets the requirements of 35 U.S.C. § 101 as statutory subject matter.

Claims 2-5, 7-8, 10, 12-15, 18, 24-25, 27-30, 32-33, 35, 37-40, 43, 46-47, 49-54, and 56-58 depend from one of independent claims 1, 9, 17, 23, 26, 34, 42, 48, and 55, and so include all of the subject matter including in the independent claim from which they depend, and more. Therefore, claims 2-5, 7-8, 10, 12-15, 18, 24-25, 27-30, 32-33, 35, 37-40, 43, 46-47, 49-54, and 56-58 meet the requirements under 35 U.S.C. § 101 as statutory subject matter.

Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 101 rejection directed toward non-statutory subject matter, and allowance of claims 1-5, 7-10, 12-15, 17-18, 23-30, 32-35, 37-40 and 42-43, and 46-58.

§112 Rejection of the Claims

Claims 1-5, 7-10, 12-15, 17-20, 23-30, 32-35, 37-40, 42-70, and 72-105 are rejected under 35 U.S.C. 1112, second paragraph as failing to particularly point out and distinctly claim the subject matter which applicant regards at the invention.

Claims 19-20, 44-45, and 79-80 are canceled, so the rejection of claims 19-20, 44-45, and 79-80 is moot.

Claims 1, 9, 17, 23, 26, 34, 42, 48, 55, 61, 69, 77, 83, 89, 95, and 102 and their respective dependent claims were rejected according to the Office Action, which states because the difference between the terms "non-production data" and "production data" is extremely ambiguous when the claims are read in light of the specification and which leads to great uncertainty as to what is being claimed.

Applicants have amended independent claims 1, 9, 17, 23, 26, 34, 42, 48, 55, 61, 69, 77, 83, 89, 95, and 102 to clarify what is collected as production data and what is collected as non-production data in the claims. By way of illustration, independent claim 1 as now amended includes:

**collecting production data by taking at least one measurement directly on an item that is undergoing processing in the electronic device manufacturing process;**

**collecting non-production data by taking at least one measurement related to an entire manufacturing facility where the electronic device manufacturing process resides and not directly related to the electronic device manufacturing process.**  
(Emphasis added).

Independent claim 1 thus includes collecting production data by taking at least one measurement directly on an item that is undergoing processing in the electronic device manufacturing process. Further, independent claim 1 includes collecting non-production data by taking at least one measurement as further recited in independent claim 1. Independent claim 1

clearly and unambiguously recites the difference between collecting production data and collection non-production data. The Office Action appear to base the rejection of independent claim 1 on the difference between non-production data and production data being ambiguous in the claim. Applicants believe that the amendments to independent claim 1 overcome this ambiguity, if any, and thus independent claim 1, at least as now amended, meets the requirements of 35 U.S.C. 112, second paragraph.

In another illustration, independent claim 34 as now amended includes:

**collecting production data by taking at least one measurement from the manufacturing process directly related to the manufacturing process and that is not measured on an item that is undergoing processing in the electronic device manufacturing process;**

collecting non-production data from a single data source with some temporal periodicity by taking at least one measurement related to an entire manufacturing facility where the electronic device manufacturing process resides and not directly related to the electronic device manufacturing process.

(Emphasis added)

For reasons analogous to those stated above with respect to independent claim 1, Applicants believe independent claim 34 clearly and unambiguously recites the difference between collecting production data and collection non-production data in the claim, and at least as now amended, meets the requirements of 35 U.S.C. 112, second paragraph.

For reasons analogous to those stated above with respect to independent claims 1 and 34, independent claims 9, 17, 23, 26, 34, 42, 48, 55, 61, 69, 77, 89, 95, and 102, at least as now amended, overcome any ambiguity regarding the collecting of production data and the collecting of non-production data as included in independent claims 9, 17, 23, 26, 34, 42, 48, 55, 61, 69, 77, 89, 95, and 102. Therefore, at least as now amended, independent claims 9, 17, 23, 26, 34, 42, 48, 55, 61, 69, 77, 89, 95, and 102, meet the requirements of 35 U.S.C. 112, second paragraph.

Claims 2-5, 7-8, 10, 12-15, 18, 24-25, 27-30, 32-33, 35, 37-40, 43, 46-47, 49-54, 56-60, 62-68, 70, 72-76, 78, 81-82, 84-88, 90-94, 96-101, and 103-105 depend from one of independent claims 1, 9, 17, 23, 26, 34, 42, 48, 55, 61, 69, 77, 83, 89, 95, and 102. Applicants respectfully submit that at least the amendments to independent claims 1, 9, 17, 23, 26, 34, 42, 48, 55, 61, 69, 77, 83, 89, 95, and 102 render claims 2-5, 7-8, 10, 12-15, 18, 24-25, 27-30, 32-33, 35, 37-40, 43,

46-47, 49-54, 56-60, 62-68, 70, 72-76, 78, 81-82, 84-88, 90-94, 96-101, and 103-105 as meeting the requirements of 35 U.S.C. 112, second paragraph.

The Office Action further rejected claim 19 for lack of proper antecedent basis and other issues related to clarity. As noted above, claim 19 is canceled, so the rejection of claim 19 is moot.

The Office Action also rejected one or more independent claims in stating:

Claim 26, last line, "the manufacturing process" lacks a proper antecedent basis. Claims 34, 42, etc. have a similar problem.

Independent claims 26, 34, 42, 48, and 55 have each been amended to include:

examining the analysis of the data for conditions of the **electronic device manufacturing process**. (Emphasis added).

Applicants respectfully submit that this amendment to independent claims 26, 34, 42, 48, and 55, along with the other amendments made to these same independent claims, overcomes the rejection raised with regards to lack of antecedent basis for "the manufacturing process" in each of these claims. Applicants respectfully submit that the 35 U.S.C. 112, second paragraph rejection raised in the Office Action with respect to claims "26, 34, 42, etc." has been overcome.

Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 112, second paragraph rejection, and allowance of claims 1-5, 7-10, 12-15, 17-18, 23-30, 32-35, 37-40, 42-43, 46-70, 72-78, and 81-105.

#### Reservation of Rights

In the interest of clarity and brevity, Applicants may not have addressed every assertion made in the Office Action. Applicants' silence regarding any such assertion does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record are

relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserve all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

### CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

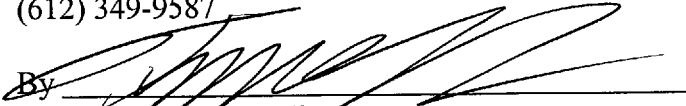
Respectfully submitted,  
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Date

13 Aug '07

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13th day of August 2007.

Name

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Signature

